

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33, 35-40, and 42-57 are pending in the present application. Claims 33, 35, 37, 38, 40, 42, 45-53, and 55 have been amended; Claims 56 and 57 have been added; and Claims 34 and 41 have been canceled without prejudice or disclaimer by the present amendment. No new matter has been added.¹

In the outstanding Office Action, Claims 33-36, 40-46, and 49-55 were rejected as being unpatentable over Cognet (U.S. Patent No. 6,801,505 B1, hereinafter “the ‘505 patent”) in view of Amaral et al. (U.S. Patent No. 7,031,306 B2, hereinafter “the ‘306 patent”) and Deshpande (U.S. Patent Application Publication No. 2003/0061371 A1, hereinafter “the ‘371 publication”); Claims 37, 39, and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘306 patent in view of the ‘505 patent and the ‘371 publication; and Claims 38 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘306 patent in view of the ‘505 patent, the ‘371 publication, and Schuster et al. (U.S. Patent No. 6,360,271 B1, hereinafter “the ‘271 patent”).

Applicant wishes to thank Examiner Foud for the courtesy of the personal interview extended to Applicant’s representatives on May 5, 2009. During the interview, amendments clarifying the claims over the applied references were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

In light of the several grounds of rejection on the merits, independent Claims 33, 37, 40, 52, and 55 have been amended to clarify the claimed inventions and to thereby more clearly patentably define over the applied references.

¹ The amendments to Claims 33, 37, 40, 52, and 55 find support at least in Claim 34, in Figure 3 and its accompanying text in the specification, and in the specification at page 13, lines 15-23, and page 16, lines 3-34.

Independent Claim 33 recites a media source, including, in part, “a global clock determination unit configured to determine, once within a session, a global wallclock time having a statistical variation; [and] a determining unit configured to determine a play-out time offset based, in part, on the statistical variation” Applicant respectfully submits that no proper combination of the ‘505 patent, the ‘306 patent, and the ‘371 publication discloses or suggests those features.

The ‘505 patent is directed to a method of sending out a time-stamped frame, the method including “generating at a given instant T_s a frame whose time stamp T_O is equal to $T_s + \delta$, where δ is a time interval acquired by the computer equipment between generating a time-stamped frame and sending the last bit thereof”²

That is, the ‘505 patent merely describes a time interval acquired between generating a time-stamped frame and sending the last bit of that frame. It is submitted that the ‘505 patent is silent with regard to a variation of the time T_s . Applicant respectfully submits that the ‘505 patent fails to disclose or suggest “a global clock determination unit configured to determine, once within a session, a global wallclock time having a statistical variation; [and] a determining unit configured to determine a play-out time offset based, in part, on the statistical variation,” as recited in amended Claim 33.

The ‘306 patent is directed to an MPEG encoder/transmitter that contains a 27 MHz oscillator.³ According to the ‘306 patent, “timing errors may result because the frequency generated by 27 MHz voltage-controlled oscillator 56 does not exactly match the frequency generated by the 27 MHz oscillator(s) contained in the encoder/transmitter that generated the MPEG transport streams.”⁴ In the ‘306 patent, “The amount that 27 MHz voltage-controlled

² ‘505 patent, col. 1, ll. 51-54.

³ ‘306 patent, col. 9, ll. 50-52.

⁴ *Id.*, ll. 53-57.

oscillator 56 is adjusted is determined from the average occupancy of switch fabric buffers 48 and 50.”⁵

That is, the ‘306 patent merely describes adjusting an oscillator based on an average buffer occupancy. Applicant respectfully submits that the ‘306 patent fails to disclose or suggest “a global clock determination unit configured to determine, once within a session, a global wallclock time having a statistical variation; [and] a determining unit configured to determine a play-out time offset based, in part, on the statistical variation,” as recited in amended Claim 33.

The ‘371 publication is directed to “Supplying a media stream from a server to clients at a first bitrate (R1) [, which] includes supplying data as media packets with a timestamp.”⁶

That is, the ‘371 publication merely describes media packets including a timestamp. Applicant respectfully submits that the ‘371 publication fails to disclose or suggest “a global clock determination unit configured to determine, once within a session, a global wallclock time having a statistical variation; [and] a determining unit configured to determine a play-out time offset based, in part, on the statistical variation,” as recited in amended Claim 33.

Accordingly, it is submitted that the ‘505 patent, the ‘306 patent, and the ‘371 publication, taken alone or in combination, fail to disclose or suggest “a global clock determination unit configured to determine, once within a session, a global wallclock time having a statistical variation; [and] a determining unit configured to determine a play-out time offset based, in part, on the statistical variation,” as recited in amended Claim 33. Thus, it is respectfully submitted that independent Claim 33 (and all associated dependent claims) patentably distinguishes over any proper combination of the ‘505 patent, the ‘306 patent, and the ‘371 publication.

⁵ *Id.*, ll. 64-66.

⁶ ‘371 publ’n, para. [0134].

Applicant further submits that independent Claims 37, 40, 52, and 55 (and all associated dependent claims) are allowable for the same reasons as discussed above with regard to Claim 33 and for the more detailed features presented in those claims.

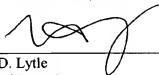
Dependent Claims 38 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '306 patent in view of the '505 patent, the '371 publication, and the '271 patent. Applicant respectfully submits that the '271 patent fails to remedy the above-noted deficiencies in the '306 patent, the '505 patent, and the '371 publication. Accordingly, it is respectfully submitted that the rejection of dependent Claims 38 and 48 is moot.

Applicant has added new Claims 56 and 57 to set forth the invention recited in Claim 33 in a varying scope. Applicant respectfully submits that new Claim 56 finds support at least in Claim 44 and in the specification at page 4, lines 7-10, and at page 12, line 26 to page 13, line 2. Applicant further submits that new Claim 57 finds support at least in the specification at page 16, lines 3-9. No new matter has been added. Accordingly, it is respectfully submitted that dependent Claims 56 and 57 are allowable for the same reasons as discussed above with regard to Claim 33, from which Claims 56 and 57 depend, and for the more detailed features presented by the new claims.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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